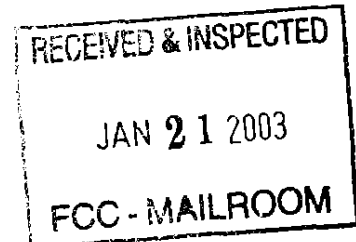


Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)	
)	
Amendment of Section 73.622(b))	MM Docket No. 01-244
Table of Allotments,)	RM- 10234
Digital Television Broadcast Stations.)	
(Tyler, Texas))	

In the Matter of)	
)	
Amendment of Section 73.622(b))	MM Docket No. 01-245
Table of Allotments,)	RM-10235
Digital Television Broadcast Stations.)	
(Lufkin, Texas))	

To: The Chief, Video Division, Media Bureau

PETITION FOR RECONSIDERATION
OF ORDER DENYING PETITION FOR STAY

International Broadcasting Network ("IBN") hereby petitions **for** reconsideration of the Order Denying Petition for Stay ("Order") adopted *on* December 13, 2002, and released on December 20, 2002, in the above-captioned consolidated proceedings. In support of this petition, IBN respectfully states the following:

I.

This petition is timely filed. The thirty-day deadline fell on January 19, 2003, which was Sunday. Today, January 20, 2003, is a federal holiday. Accordingly, **as**

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provided in Section 1.4(j) of the Commission's Rules, this petition may be filed on the next business day, January 21, 2003.

II.

In denying IBN's request for a stay, the Commission erroneously applied an inappropriate standard. IBN's request for a stay was not submitted to a federal court but to the designated authority at the Commission. Section 1.102(b)(2) of the Commission's Rules provides that "the designated authority may in its discretion stay the effect of its action pending disposition of the petition for reconsideration." The power to issue a stay is dependent upon only one requirement: a petition for reconsideration must have been filed. In these proceedings, that one requirement was met when IBN filed its petition for reconsideration on November 8, 2002.

III.

There is a compelling reason favoring grant of a stay. It is essential to preserve the integrity of a decision yet to be rendered by the Commission's designated authority in these pending proceedings. Under Section 1.102(a)(2) of the Rules, which applies to decisions of a commissioner or a panel of commissioners, a stay would have been automatic upon the filing of a petition for reconsideration. Whether under Section 1.102(a)(2) or Section 1.102(b)(2), the need to preserve the integrity of the decision yet to be rendered is of paramount importance and must not be restricted by a series of requirements that has no basis in the Rules.

IV.

Paragraph 4 of the Order states as fact a number of issues that are in dispute. The

petition for reconsideration IBN filed on November 8, 2002, is still pending. The Order improperly prejudged factual and legal issues which must be lawfully and objectively considered in response to the pending petition **for** reconsideration.

V.

An impartial review of all filings made in these proceedings will conclusively show that the substitution of channels granted by the Commission in response to the request of Civic License Holding Company, Inc. ("Civic") was contrary to the public interest. Such a review will also show that Civic and CivCo, Inc. ("CivCo") provided not a scintilla of evidence to support their false boilerplate claims. Even if IBN had not filed comments opposing the substitution **of** channels, the comments **of** all third parties and **the** petitions of thousands of persons residing within the service areas of KLTN and KTRT would alone be more than a sufficient basis for determining that the substitution was not in the public interest. Indeed, on the basis of the entire record in these proceedings, the Commission can reach no other conclusion than that the substitution **of** channels was contrary to the public interest and should not have been granted.

VI.

For the reasons stated in the immediately preceding paragraph, IBN is likely to prevail on the merits. Moreover, the loss of channels, which will necessarily result from the substitution, constitutes irreparable harm to ~~IBN~~ and to the public which relies on IBN's stations. Furthermore, neither Civic nor CivCo has shown that the stay **would** harm it or any other party. In the absence of that showing, it must be **presumed** that a stay would be harmless. Finally, a stay would serve the public interest by preserving the

integrity of the decision yet to be rendered by the Commission's designated authority. Thus, even though the four criteria set forth in paragraph 3 of the Order are inapplicable, they have nevertheless been satisfied.

VII.

For all of the foregoing reasons, and for all of the reasons set forth in IBN's previous filings, IBN respectfully urges that the aforementioned Order be reconsidered and that the stay requested by IBN be promptly issued

Respectfully submitted,

INTERNATIONAL BROADCASTING NETWORK

By its President

A handwritten signature in black ink, appearing to read "Paul J. Broyles". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

Paul J. Broyles

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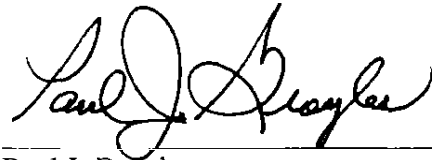
E-Mail: IBN@ev1.net

January 20, 2003

CERTIFICATE OF SERVICE

I, Paul J. Broyles, hereby certify that on this 20th day of January 2003 a copy of the foregoing PETITION FOR RECONSIDERATION OF ORDER DENYING PETITION FOR STAY has been served by first-class mail, postage prepaid, upon the following:

John S. Logan
Scott S. Patrick
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, NW
Suite 800
Washington, DC 20036-6802
(Counsel for Civic License Holding Company, Inc., and CivCo, Inc.)

A handwritten signature in black ink, appearing to read "Paul J. Broyles", written over a horizontal line.

Paul J. Broyles

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